

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

**MOTION OF LONE STAR NATIONAL BANK FOR RELIEF FROM STAY AGAINST
REAL PROPERTY AND AS TO CO-DEBTOR**

**THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF IT IS
GRANTED, THE MOVANT MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS.
IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING
PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE
AND SEND A COPY TO THE MOVING PARTY AT LEAST 7 DAYS BEFORE THE
HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING.
EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.**

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

THERE WILL BE A HEARING ON THE MATTER ON March 18, 2015 at 9:00 a.m. IN COURTROOM McAllen Division, Bentsen Tower, McAllen, Texas.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now **Lone Star National Bank**, ("Movant"), Movant herein, and in support hereof represents:

1. **Becky Rosales**, Debtor herein, filed for relief under Chapter 13 of the

Bankruptcy Code on January 5, 2015.

2. This Court appointed Cindy Boudloche to serve as Trustee of the above-captioned Estate.

3. This Court has jurisdiction of this Motion pursuant to 11 U.S.C. §§ 362 and 363 and 28 U.S.C. §§ 157 and 1334.

4. Debtor, Becky Rosales and Maribel Alvarez (hereinafter "Alvarez") are co-makers on a Real Estate Lien Note owed to Movant.

5. **Debtor and Alvarez** executed a certain Real Estate Lien Note dated September 08, 2006, in the original principal sum of \$90,000.00 and payable to Movant (Loan No. 82863). The note is secured by a Deed of Trust dated September 08, 2006, covering the following described real property:

Tract I:

Lot Twelve (12), Ivy Terrace, an addition to the City of McAllen, Hidalgo County, Texas, as per map or plat thereof recorded in Volume 19, Page 20, Map Records, Hidalgo County, Texas.

Tract II:

Lot Eight (8), Deborah Heights Subdivision, an addition to the City of McAllen, Hidalgo County, Texas, as per map or plat thereof recorded in Volume 20, Page 12, Map Records, Hidalgo County, Texas.

Save and Except the East three feet (3") previously conveyed by Quit-Claim Deed dated September 29, 1978, to Jim B. Rowland, Trustee, recorded in Volume 1598, Page 104, Deed Records, Hidalgo County, Texas.

Movant filed said Deed of Trust as Document Number 1667969 in the Records of Hidalgo County, Texas.

6. The Note is in default. The principal amount owed on the Note on the date of bankruptcy filing was \$73,151.44. The value of the collateral is about \$175,000.00

which makes the Movant fully secured.

7. Movant seeks relief from the automatic stay for cause including lack of adequate protection of its interest in said real property.

8. Debtor's Chapter 13 plan proposes to make direct payments to Movant. However, the note is currently in arrears in the amount of \$2,122.80. The note also matures during the life of the plan and the current plan does not provide for a balloon payment.

9. Debtor's Chapter 13 plan does not provided treatment for ad valorem taxes.

10. The stay should lift as to Alvarez, the co-debtor, so that Movant may attempt to be made whole by collecting any deficiency amount from Alvarez. Movant has no relief available to it other than to seek relief from the automatic stay.

WHEREFORE, PREMISES CONSIDERED, Movant prays that, upon timely request, this Motion be set for hearing; that, upon hearing hereof, this Court enter an order terminating the automatic stay for the enforcement and prosecution of the rights of Movant under the Note and Deed of Trust, and that the Debtors turn over immediate possession of said real property to Movant; alternatively, that the Court enter an order conditioning the continuation of the automatic stay upon the adequate protection of Movant's interests in said real property, including, but not limited to, immediately paying all delinquent ad valorem taxes, providing proof of insurance and commencing monthly installments payments to Movant at an amount that will protect Movant's interest in the property and that the Court grant Movant a lift of the co-debtor stay and such other and further relief, at law and in equity, as it just.

Respectfully submitted,

/s/ Terry D. Key

TERRY D. KEY
State Bar No. 11370200
P.O. Box 1247
Weslaco, Texas 78599-1247
Telephone: (956) 968-5402
Telecopier: (956) 969-9402
Attorney in Charge for
LONE STAR NATIONAL BANK

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was served upon the debtors, the attorney for the debtors, and trustee, and the creditors, by first class mail, by mailing a copy of the motion and the exhibits attached thereto to said parties at their addresses as shown in the record of this case this 19th day of February, 2015.

/s/ Terry D. Key
TERRY D. KEY

Attorney for Debtor:

Ricardo Guerra
Law Office of Rick Guerra
2211 Rayford Rd.
Ste. 111 #134
Spring, Texas 77386

Debtors:

Becky Rosales
5302 N. 44th Lane
McAllen, Texas 78504

Trustee:

Cindy Boudloche
Chapter 13 Trustee
555 N. Carancahua, Suite 600
Corpus Christi, Texas 78401-0823

Creditors:

Attached hereto

Label Matrix for local noticing

0541-7

Case 15-70019

Southern District of Texas

McAllen

Thu Feb 19 11:57:46 CST 2015

Ovation Services

c/o Lane & Countryman

Attorneys at Law

8526 N. New Braunfels

San Antonio, TX 78217-6304

Lack's Valley Stores, Ltd.
 Law Office of Jeanne E. Holmes, P.C.
 212 W. Nolana Loop
 McAllen, TX 78504-2513

Lone Star National Bank
 c/o Terry D. Key
 2300 W. Pike Blvd., Suite 300
 Weslaco, TX 78596-4128

7
 United States Bankruptcy Court
 1133 North Shoreline Blvd #208
 Corpus Christi, TX 78401-2042

American Eagle GECRB
 GE Capital Retail bank/Attention: Bankru
 PO Box 103104
 Roswell, GA 30076-9104

Bank of South Texas

506 E. Dove

McAllen, TX 78504-2241

Bby/cbna
 701 East 60th Street
 Sioux Falls, SD 57104-0432

Cap1/bstby
 PO Box 6497
 Sioux Falls, SD 57117-6497

Capital One, N.a.

Capital One Bank (USA) N.A.

PO Box 30285

Salt Lake City, UT 84130-0285

Citibank/The Home Depot
 Citicorp Credit Svcs/Centralized Bankrup
 PO Box 790040
 Saint Louis, MO 63179-0040

Comenity Bank/vctrsssec
 Po Box 182789
 Columbus, OH 43218-2789

Conn Appliances, Inc. as Attorney-in-Fact an

P.O Box 2358

Beaumont, Texas 77704-2358

Conns Credit Corp
 3295 College St
 Beaumont, TX 77701-4611

GECRB / HH Gregg
 Attention: Bankruptcy
 PO Box 103104
 Roswell, GA 30076-9104

GECRB/Gap
 Attn: bankruptcy
 PO Box 103104
 Roswell, GA 30076-9104

INTERNAL REVENUE SERVICE
 P O Box 7346
 Philadelphia PA 19101-7346

IRS
 PO Box 7346
 Philadelphia, PA 19101-7346

Lacks Valley Stores Lt
 1200 E. Expressway 83
 McAllen, TX 78503-1618

Lacks Valley Stores Lt
 1200 E. Expressway 83
 McAllen, TX 78503-1618

Lacks Valley Stores, Ltd.
 c/o Credit Department
 1300 San Patricia Drive
 Pharr, Texas 78577-2158

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 Spring, Tx 77386-1548

Lone Star National Bank
 4500 N. 10th St., Suite 305
 McAllen, TX 78504-2969

Lone Star Nb
 100 W. Ferguson
 Pharr, TX 78577-9517

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 c/o Lane & Countryman
 Attorneys at Law
 8526 N. New Braunfels
 San Antonio, Texas 78217-6304

Security Fin
 C/o Security Finan
 Spartanburg, SC 29304

US Trustee
 606 N Carancahua
 Corpus Christi, TX 78401-0680

Vantagebktx
 45 Ne Loop 410
 San Antonio, TX 78216-5832

West Asset Management
 7171 Mercy Rd
 Omaha, NE 68106-2620

World Finance Corp
 World Acceptance Corp/Attn Bankruptcy
 PO Box 6429
 Greenville, SC 29606-6429

World Finance Corporation
501 South Bicentennial,
Suite A
McAllen, TX 78501-5290

Becky Rosales
5302 N. 44th Lane
Mcallen, TX 78504-4871

Cindy Boudloche
Chapter 13 Trustee
555 N Carancahua
Ste 600
Corpus Christi, TX 78401-0823

Ricardo Guerra
Law Office of Rick Guerra
2211 Rayford Rd.
Ste 111 #134
Spring, TX 77386-1548

End of Label Matrix
Mailable recipients 33
Bypassed recipients 0
Total 33

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

| | | |
|-------------------------|---|------------------------|
| IN RE: | § | |
| | § | |
| BECKY ROSALES | § | |
| Debtor | § | |
| LONE STAR NATIONAL BANK | § | |
| Movant | § | |
| VS. | § | CASE NO. 15-70019-M-13 |
| | § | CHAPTER 13 |
| BECKY ROSALES | § | |
| Respondents | § | |
| CINDY BOUDLOCHE | § | |
| Trustee | § | |

**ORDER GRANTING LONE STAR NATIONAL BANK
MOTION FOR RELIEF FROM STAY AGAINST REAL PROPERTY**

BE IT REMEMBERED that on this day, came on to be heard Lone Star National Bank, Motion for Relief From the Automatic Stay Against Real Property and the Co-Debtor. All parties in interest having been duly served pursuant to local rule 9001 of the Southern District of Texas; it is therefore,

ORDERED, ADJUDGED and DECREED that the automatic stay be and it is hereby LIFTED as to Lone Star National Bank to allow it to pursue its state law remedies against the Property, including foreclosure, repossession and/or eviction.

It is further

ORDERED that Movant is awarded its attorney fees and costs in the count of \$750.00.

It is further

ORDERED that the co-debtor stay is terminated as to MARIBEL ALVAREZ, the co-debtor.

It is further

ORDERED that the stay afforded by 11.U.S.C. § 362 is terminated with respect to Movant on the following described property, to wit:

Tract I:

Lot Twelve (12), Ivy Terrace, an addition to the City of McAllen, Hidalgo County, Texas, as per map or plat thereof recorded in Volume 19, Page 20, Map Records, Hidalgo County, Texas.

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Save and Except the East three feet (3") previously conveyed by Quit-Claim Deed dated September 29, 1978, to Jim B. Rowland, Trustee, recorded in Volume 1598, Page 104, Deed Records, Hidalgo County, Texas.

SIGNED this _____ day of February, 2015.

BANKRUPTCY JUDGE PRESIDING